

NO. 28205

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

LUCIE M. BENCOMO, Plaintiff-Appellee,
v.
DEREK A. BENCOMO, Defendant-Appellant

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2007 SEP 26 PM 3:00

FILED

APPEAL FROM THE FAMILY COURT OF THE SECOND CIRCUIT
(FC-D NO. 03-1-0151)

ORDER DISMISSING APPEAL

(By: Recktenwald, Chief Judge, Foley, and Nakamura, JJ.)

Upon review of the record, it appears that: (1) Defendant-Appellant Derek A. Bencomo filed a notice of appeal on October 6, 2006; (2) Appellant did not pay the filing fee; (3) on January 26, 2007, the appellate clerk informed Appellant: (a) the time for docketing the record expired on December 5, 2006; (b) the record on appeal could not be filed without payment of the filing fee or an executed motion to proceed in forma pauperis; and (c) the matter would be called to the attention of the court on February 2, 2007, for such action as the court deemed proper, which may include dismissal of the appeal; and (4) Appellant failed to pay the filing fee or submit a motion to proceed in forma pauperis. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed due to nonpayment of the filing fee.

DATED: Honolulu, Hawai'i, September 26, 2007.



Chief Judge



Associate Judge



Associate Judge